

Appl. No.: 10/023,441
Art Unit: 1623

REMARKS/ARGUMENTS

Claims 88 to 98 were previously pending, but are now canceled. New claims 99 to 134 are directed to the oral administration of a modafinil compound:cyclodextrin mixture. Support for claims 99 to 134 can be found throughout the specification (See, e.g., pages 8-10 and 12-13). No new matter is added.

The present Office Action includes rejections under 35 U.S.C. §102 and §103, responses to which are discussed below.

I. Claim Rejection Under 35 U.S.C. § 102

Claims 88-94 are rejected under 35 U.S.C. 102(b) as being anticipated by Rambert et al. (Neuropharmacology, 1994). In view of the cancellation of claims 88-94, Applicants respectfully request that this rejection be withdrawn.

Applicants further point out that Rambert et al. fails to teach or suggest the oral administration of a modafinil compound:cyclodextrin mixture to a mammal, let alone the surprising blood serum levels obtained after such administration (See Example 3).

II. Claim Rejection Under 35 U.S.C. § 103

Claims 88-94 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rambert et al. (Neuropharmacology, 1994) in view of Pitha et al. (Int. J. Pharm., 1986). Claims 88-98 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rambert et al. in view of Pitha et al. and further in view of Grebow et al. (U.S. 5,618,845). In view of the cancellation of claims 88-98, Applicants respectfully request that this rejection be withdrawn.

Applicants further point out that Pitha et al. alone or in combination with Grebow et al. fails to cure the deficiencies of Rambert et al. (discussed above).

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III. Conclusion

Entry of the remarks and amendments and reconsideration of the present application is respectfully requested. In view of the above, it is believed that all the claims are in form for allowance, and an early notification to that end is respectfully requested.

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